

## AMENDMENT

Please amend the application as set forth below and consider the following remarks.

In the Claims:

Please cancel Claims 46-50 and 56-59

Please add Claims 60-73 as set forth below.

Claims 1-45 (Previously Cancelled)

Claims 46-50 (Canceled)

51. (previously added) A marker instrument comprising:

a tube comprising:

a lumen;

an axial opening at a proximal end of said tube;

a closed tip at a distal end of said tube;

a side exit port proximal to said closed tip; and

a plurality of marker elements disposed in said lumen.

52. (previously added) A marker instrument, according to claim 50 further comprising a portion of said lumen connecting said lumen to said side exit port.

53. (previously added) A marker instrument according to Claim 52 wherein said plurality of marker elements includes at least one biodegradable marker element.

54. (previously added) A marker instrument according to Claim 53 wherein said plurality of marker elements includes at least one radiopaque marker element.

55. (previously added) A marker instrument according to Claim 52 wherein said plurality of marker elements includes at least one radiopaque marker element.

Claims 56-59 (Cancelled)

---

60. (new) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen; and

a side exit port communicating with said lumen;

a plurality of tissue markers disposed in said lumen proximal of said side exit port;

an element slidably disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.

61. (new) The device of Claim 60 wherein at least one of said markers comprises a biodegradable material.

62. (new) The device of Claim 60 wherein at least one of said markers is visible using an imaging system.

63 (new) The device of Claim 60 wherein at least one of said markers is radiopaque.

64. (new) The device of Claim 60 wherein the device is adapted to be inserted through an outer piercing needle of a biopsy instrument.

65. (new) The device of Claim 60 wherein at least one of said markers comprises stainless steel.

66. (new) The device of claim 60 wherein said tissue markers are disposed end to end in said lumen.

67. ( new) The device of Claim 60 wherein at least one marker has a shape different from that of at least one other marker.

68. (new) The device of Claim 60 wherein at least one marker has a size different from that of at least one other marker.

69. (new) The device of Claim 60 wherein said markers are disposed in said lumen such that said markers are deployed one at a time.

70. (new) The device of Claim 60 wherein at least one marker comprises a metal.

71. (new) The device of Claim 60 wherein at least one marker comprises a non-metallic material.

72. (new) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen;

a side exit port communicating with said lumen;

a plurality of discrete tissue markers disposed in said lumen, wherein at least one marker has a size different from that of at least one other marker; and

an element disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.

73. (new) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen;

a side exit port communicating with said lumen;

a plurality of discrete tissue markers disposed in said lumen, wherein at least one marker has a shape different from that of at least one other marker; and

an element disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.